

8-9-05

DAG/JW



PTO/SB/21 (09-04)

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## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

		Application Number	09/945,370-Conf. #2123
		Filing Date	August 31, 2001
		First Named Inventor	Jason N. Farmer
		Art Unit	2828
		Examiner Name	A. Rodriguez
Total Number of Pages in This Submission	14	Attorney Docket Number	60988/P002US/10103486

### ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):  Return Postcard Request For Reconsideration of Patent Term Adjustment Exhibits 1-3 Certificate of Express Mail
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts/ Incomplete Application	<input type="checkbox"/> Remarks	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	FULBRIGHT & JAWORSKI L.L.P.		
Signature			
Printed name	Thomas Kelton		
Date	August 8, 2005	Reg. No.	54,214



Application No. (if known): 09/945,370

Attorney Docket No.: 60988/P002US/10103486

## Certificate of Express Mailing Under 37 CFR 1.10

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail, Airbill No. EV482712859US in an envelope addressed to:

Commissioner for Patents  
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on August 8, 2005  
Date

*Donna Forbit*  
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Donna Forbit

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Transmittal (1 page)  
Request For Reconsideration Of Patent Term Adjustment (3 pages)  
Exhibit 1 (6 pages)  
Exhibit 2 (2 pages)  
Exhibit 3 (1 page)  
Certificate of Express Mail (1 page)



Docket No.: 60988/P002US/10103486  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Jason N. Farmer

Issued: 06-14-2005

Application No.: 09/945,370

Confirmation No.: 2123

Filed: August 31, 2001

Art Unit: 2828

For: DYNAMICALLY SPECTRALLY TAILORED  
RAMAN PUMP LASER

Examiner: A. Rodriguez

**REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT  
UNDER 37 CFR 1.705(b)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicant hereby requests that the Commissioner correct the patent term adjustment as it is currently calculated for Patent Application 09/945,370 filed on August 31, 2001 and issued June 14, 2005 as Patent 6,907,051.

An Application for Patent Term Adjustment Under 37 CFR 1.705(b) was filed January 13, 2005. The Decision on Application for Patent Term Adjustment GRANTING the Patent Term Adjustment of 302 days was mailed May 4, 2005 by the Office of Petitions. However, when the patent issued on June 14, 2005, the Patent Term Adjustment stated on the face of the patent remained 244 days. A copy of these documents are attached hereto as Exhibits 1, 2, and 3, respectively.

Applicant requests that the Patent Term Adjustment on the face of the patent be corrected to 302 days.

Applicant believes that the discrepancy is due to Office error and that a petition fee is

25560004.1

08/11/2005 MBELETE2 00000080 062380 09945370

01 FC:1455 200.00 DA

not warranted. However, authorization to charge the amount of \$200.00 covering the fee set forth in 37 C.F.R. §1.18(e) is enclosed herewith and Applicant submits the following statement of the facts involved.

**STATEMENT**

The correct patent term adjustment should afford the Applicant 302 days. The basis for this adjustment is as follows:

08/31/2001	09/945,370 filed with USPTO
10/09/2001	USPTO mailed Notice to File Missing Parts
01/17/2002	Fees and declaration satisfying the filing requirements received by USPTO (-38 days PTA)
10/06/2003	1 <sup>st</sup> Office Action mailed by USPTO (+340 days PTA)

USPTO PAIR indicates that the date that the application was complete is 03/08/2002. However, the application was complete on 01/17/2002 when the fees and declaration were received. Applicant respectfully submits that the 340 day patent term adjustment based on the date of the first office action should be reduced by 38 days; whereby, the correct patent term adjustment should be 302 days. However, the Patent Term Adjustment on PAIR is 282, a difference of 20 days. Please correct the Patent Term Adjustment, which will be printed on the face of the patent, to 302 days.

The patent is not subject to a terminal disclaimer.

There were no circumstances constituting a failure to engage in reasonable efforts to conclude processing or examination of such application as set forth in 37 C.F.R. § 1.704.

The Commissioner is hereby authorized to charge the \$200.00 fee set forth in 37 C.F.R. §1.18(e) and any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) or to credit any refunds, to our Deposit Account No. 06-2380, under Order No. 60988/P002US/10103486.

Dated: August 8, 2005

Respectfully submitted,

By Thomas W. Kelton

Thomas Kelton

Registration No.: 54,214

FULBRIGHT & JAWORSKI L.L.P.

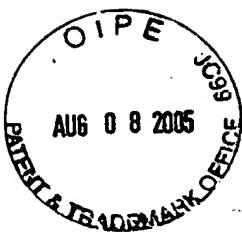
2200 Ross Avenue, Suite 2800

Dallas, Texas 75201-2784

(214) 855-7115

(214) 855-8200 (Fax)

Attorney for Applicant



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**EXHIBIT**



# Best Available Copy

Atty Docket No.: 60988/P002US/10103486

Reference:

Inventor: Jason N. Farmer

Application No.: 09/945,370-Conf. #2123

Filing Date: August 31, 2001

Title: DYNAMICALLY SPECTRALLY TAILORED RAMAN PUMP LASER

Documents Filed:

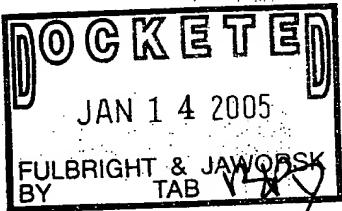
Transmittal (1 page)

Application for Patent Term Adjustment (2 pages)

Part B - Fee(s) Transmittal (2 pages; 1 original and 1 copy)

Check in the amount of \$700.00

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Sender's Initials: CSC/rh/rc

Date: January 13, 2005

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Atty Docket No.: 60988/P002US/10103486

Reference:

Inventor: Jason N. Farmer

Application No.: 09/945,370-Conf. #2123

Filing Date: August 31, 2001

Title: DYNAMICALLY SPECTRALLY TAILORED RAMAN PUMP LASER

Documents Filed:

Transmittal (1 page)

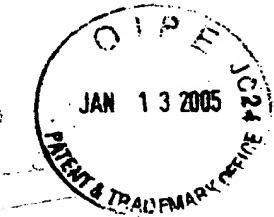
Application for Patent Term Adjustment (2 pages)

Part B - Fee(s) Transmittal (2 pages; 1 original and 1 copy)

Check in the amount of \$700.00

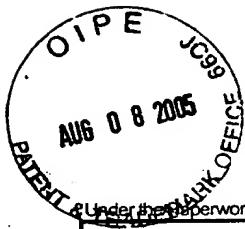
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Sender's Initials: CSC/rh/rc

Date: January 13, 2005



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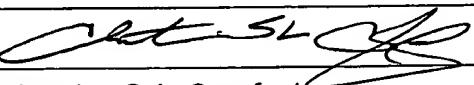
*(to be used for all correspondence after initial filing)*

		Application Number	09/945,370-Conf. #2123
		Filing Date	August 31, 2001
		First Named Inventor	Jason N. Farmer
		Art Unit	2828
		Examiner Name	A. Rodriguez
Total Number of Pages in This Submission	5	Attorney Docket Number	60988/P002US/10103486

### ENCLOSURES (Check all that apply)

<input checked="" type="checkbox"/> Part B Issue Fee Transmittal Form  <input checked="" type="checkbox"/> Fee Attached  <input type="checkbox"/> Amendment/Reply  <input type="checkbox"/> After Final  <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application  <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s)  <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition  <input type="checkbox"/> Petition to Convert to a Provisional Application  <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CD(s) _____  <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter  <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):  Application for Patent Term Adjustment Return Receipt Postcard
Remarks		

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	FULBRIGHT & JAWORSKI L.L.P.		
Signature			
Printed name	Christopher S. L. Crawford		
Date	January 13, 2005	Reg. No.	51,586

#### Transmittal

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV482740775US, in an envelope addressed to: MS ISSUE FEE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: January 13, 2005

Signature:  (Rita Carr)



Docket No.: 60988/P002US/10103486  
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Jason N. Farmer

Application No.: 09/945,370

Confirmation No.: 2123

Filed: August 31, 2001

Art Unit: 2828

For: DYNAMICALLY SPECTRALLY TAILORED  
RAMAN PUMP LASER      Examiner: A. Rodriguez

**APPLICATION FOR PATENT TERM ADJUSTMENT  
UNDER 37 CFR 1.705(b)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicant hereby requests that the Commissioner correct the patent term adjustment as it is currently calculated for Patent Application 09/945,370 filed on August 31, 2001. This application is being filed with the Issue Fee. Applicant believes that the discrepancy is due to Office error and that a petition fee is not warranted. However, authorization to charge the amount of \$200.00 covering the fee set forth in 37 C.F.R. §1.18(e) is enclosed herewith and Applicant submits the following statement of the facts involved.

**STATEMENT**

The correct patent term adjustment should afford the Applicant 302 days. The basis for this adjustment is as follows:

08/31/2001	09/945,370 filed with USPTO
10/09/2001	USPTO mailed Notice to File Missing Parts
01/17/2002	Fees and declaration satisfying the filing requirements received by USPTO (-38 days PTA)
10/06/2003	1 <sup>st</sup> Office Action mailed by USPTO (+340 days PTA)

USPTO PAIR indicates that the date that the application was complete is 03/08/2002. However, the application was complete on 01/17/2002 when the fees and declaration were received. Applicant respectfully submits that the 340 day patent term adjustment based on the date of the first office action should be reduced by 38 days; whereby, the correct patent term adjustment should be 302 days. However, the Patent Term Adjustment on PAIR is 282, a difference of 20 days. Please correct the Patent Term Adjustment, which will be printed on the face of the patent, to 302 days.

The patent is not subject to a terminal disclaimer.

There were no circumstances constituting a failure to engage in reasonable efforts to conclude processing or examination of such application as set forth in 37 C.F.R. § 1.704.

The Commissioner is hereby authorized to charge the \$200.00 fee set forth in 37 C.F.R. §1.18(e) and any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) or to credit any refunds, to our Deposit Account No. 06-2380, under Order No. 60988/P002US/10103486.

Dated: January 13, 2005

Respectfully submitted,

By   
Christopher S.L. Crawford  
Registration No.: 51,586  
FULBRIGHT & JAWORSKI L.L.P.  
2200 Ross Avenue, Suite 2800  
Dallas, Texas 75201-2784  
(214) 855-88378  
(214) 855-8200 (Fax)  
Attorney for Applicant

**PART B - FEE(S) TRANSMITTAL**

Complete and send this form, together with a

cable fee(s), to: Mail

**Mail Stop ISSUE I**

Commissioner for Patents

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**INSTRUCTIONS:** This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

29053 7590 10/14/2004

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2200 ROSS AVENUE  
SUITE 2800  
DALLAS, TX 75201-2784

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**Certificate of Mailing or Transmission**

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (703) 746-4000, on the date indicated below.

Rita Carr	(Depositor's name)
<i>Rita Carr</i>	(Signature)
01/13/05	(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/945,370	08/31/2001	Jason N. Farmer	60988-P002US-10103486	2123

ITLE OF INVENTION: DYNAMICALLY SPECTRALLY TAILORED RAMAN PUMP LASER

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$685.00	\$0	\$685.00	01/14/2005
EXAMINER	ART UNIT	CLASS-SUBCLASS			

RODRIGUEZ, ARMANDO

2828

372-003000

Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively,  
(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 \_\_\_\_\_  
2 **Fulbright & Jaworski LLLP**  
3 \_\_\_\_\_

ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

nLight Photonics Corporation Seattle, Washington

Please check the appropriate assignee category or categories (will not be printed on the patent):  Individual  Corporation or other private group entity  Government

a. The following fee(s) are enclosed:

4b. Payment of Fee(s):

- Issue Fee  
 Publication Fee (No small entity discount permitted)  
 Advance Order - # of Copies \_\_\_\_\_

A check in the amount of the fee(s) is enclosed.

Payment by credit card. Form PTO-2038 is attached.

The Director is hereby authorized to charge the required fee(s), or credit any overpayment, to Deposit Account Number **06-2380** (enclose an extra copy of this form).

Change in Entity Status (from status indicated above)

- a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.  b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above. OTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature

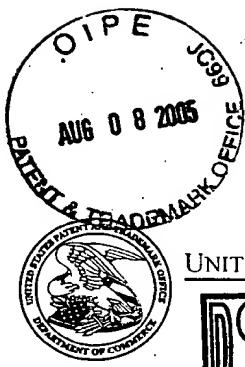
Date **January 13, 2005**

Typed or printed name **Christopher S. L. Crawford**

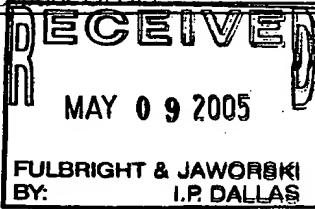
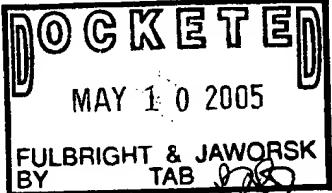
Registration No. **51,586**

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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DALLAS TX 75201-2784

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OFFICE OF PETITIONS

In re Application  
Jason N. Farmer  
Application No. 09/945,370  
Filed: August 31, 2001  
Attorney Docket No. 60988-P002US-  
10103486

: DECISION ON APPLICATION  
: FOR PATENT TERM ADJUSTMENT

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 CFR 1.705(b)...," filed January 13, 2005. Applicants request that the initial determination of patent term adjustment under 35 U.S.C. 154(b) be corrected from two hundred eighty-two (282) days to three hundred two (302) days.

The application for patent term adjustment is GRANTED.

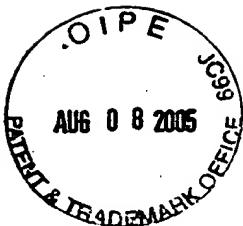
The Office has updated the PAIR screen to reflect that the correct Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is three hundred thirty two (332) days. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

On October 14, 2004, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment (PTA) to date is two hundred eighty-two. On January 13, 2005, applicants timely<sup>1</sup> submitted an application for patent term adjustment (with required fee), asserting that the correct number of days of PTA at the time of the mailing of the Notice of Allowance is three hundred two (302) days. Applicants dispute the reduction of fifty-eight (58) days attributed to applicant for failing to respond within three months to the Notice to File Missing Parts of Application mailed October 9, 2001.

The Office initially determined a patent term adjustment of two hundred eighty-two (282) days based on an adjustment for PTO delay of three hundred forty (340) days

<sup>1</sup> PALM records indicate that the Issue Fee was received in the Office on January 13, 2005.

EXHIBIT



Application No. 09/945,370

Page 2

pursuant to 35 U.S.C. 154(b)(1)(A)(i) and 37 C.F.R. § 1.703(a)(1) reduced by applicants' delay of fifty-eight (58) days pursuant to 35 U.S.C. 154(b)(2)(C)(ii) and 37 C.F.R. § 1.704(b). The adjustment of 340 days has been reviewed and found to be correct. The reduction of twenty (58) days of applicant delay is at issue.

The reduction of 58 days has been found to be incorrect. A review of the application file reveals that, as stated by applicants, their response to the Notice to File Missing Parts of Application mailed October 9, 2001, is of record in the application with a date of receipt by the Office of January 17, 2002. Furthermore, the response included a complete reply to the Notice. Thus, the Office should not have entered the date that the instant application was complete as March 8, 2002 or assessed applicants a delay of fifty-eight (58) days. The response however was not filed within the three-month period under 37 CFR 1.704(b), the response was received eight days over the three-month period for reply and accordingly, applicant's delay should have been assessed as eight (8) days. Applicant is advised that the period set forth in the Notice to File Missing Parts for reply has no effect on the three-month period set forth in this paragraph. See 37 CFR 1.704(b).

In view thereof, the correct determination of patent term adjustment at the time of the mailing of the Notice of Allowance is three hundred thirty-two (332) days.

The petition fee in the amount of \$200.00, as set forth in 37 CFR 1.18(e), has been charged to deposit account no.06-2380, per the authorization in the petition. No additional fees are required.

The Office will refer the matter to the Office of Patent Publication so that a patent can be issued.

Telephone inquiries specific to this matter should be directed to Patricia Faison-Ball, Senior Petitions Attorney, at (571) 272-3212.

*Karin Ferriter*  
Karin Ferriter *for*  
Senior Legal Advisor  
Office of Patent Legal Administration  
Office of Deputy Commissioner  
for Patent Examination Policy

Enclosure: Copy of Revised PAIR Screen